

North Andover Conservation Commission Meeting Minutes
May 13, 2015

Members Present: Louis A. Napoli, Chairman, Douglas W. Saal, Vice Chairman, John T. Mabon, Albert P. Manzi, Jr., Deborah A. Feltovic.

Members Absent: Joseph W. Lynch, Jr., Sean F. McDonough.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:04PM Quorum Present.

Approval of Minutes of 4/8/15

- A motion to accept the meeting minutes of 4/8/15 as drafted and reviewed is made by Ms. Feltovic, seconded by Mr. Saal.
- Vote unanimous.

Public Meeting: 7:05PM

Small Project

NACC#141, 242 Dale Street (Barter/Nigro)

- The applicants Robert Barter and Julie Nigro are present.
- The Administrator presents the project and states that although the deck is more than 300 s.f. but the portion within jurisdiction of the NACC is much smaller.
- Ms. Feltovic asks about the Watershed Protection District.
- The Administrator explains Planning will sign off administratively on the deck if the NACC approves. The future pool and patio project will be heard under a Watershed Special Permit.
- Mr. Mabon asks about acceptance as small project but believes it is approvable.
- A motion to accept this as small project 4.4.2A as proposed is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to approve the project as proposed with a post construction inspection is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Applications Checklist-Small Project*
- *Small Project Procedures dated March 2, 2015*
- *Letter prepared by Julie Nigro dated April 29, 2015*
- *Sketched Plan prepared by Julie Nigro dated April 29, 2015*
- *Photos dated May 6, 2015*
- *North Andover MIMAP dated May 6, 2015*

NACC#142, 296 Raleigh Tavern Lane (McQuaid) (Merrimack Engineering Services, Inc.)

- The applicant Daniel & Carol McQuaid are present.
- The Administrator presents the project to crush and fill abandoned septic tanks. The new system is outside the 100' Buffer Zone.
- Mr. Saal asks if the entire tank will be removed. Mr. Saal states it is acceptable to pump, knock holes in tank and fill with clean material.
- Mr. Manzi asks if getting inside the tank is an issue.
- Mr. Napoli states a larger hole can be made to get in the tank.
- A motion to accept this as a small project 4.4.2.L is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.
- A motion to accept the project as proposed with special conditions for erosion control and pre and post construction inspection is made by Mr. Manzi, seconded by Mr. Saal.
- Vote unanimous.

Documents:

- *Application Checklist-Small Project.*
- *Small Project Procedures dated March 2, 2015*
- *Letter prepared by Merrimack Engineering Services, Inc. dated April 30, 2015*
- *Plan of Land prepared by Merrimack Engineering Services, Inc. dated April 30, 2015*

Public Hearings: 7:10PM

Request for Determination of Applicability

48 Huckleberry Lane (Donti)

- The applicants Nagaraja & Shoba Donti is present.
- Mr. Mabon reads the legal notice.
- Administrator states the new deck is a replacement of the original that rotted. The new deck is slightly reconfigured and is more than 300 s.f. A paver patio is also proposed.
- A motion to issue a negative determination #3 with conditions for erosion controls and pre-construction and post construction inspections is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form I-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Conservation As-Built Plan prepared by Atlantic Engineering & Survey Consultants, Inc. dated December 18, 1998*
- *Photos dated May 7, 2015*

52 North Cross Road (Martin) (Sullivan Engineering Group, LLC)

- The applicant Kenneth J. Martin is present.
- Ms. Feltovic reads the legal notice.

- Administrator states the proposal is to install a deck and screen house on sono-tubes within existing lawn. The resource areas are Buffer Zone and Riverfront.
- The NACC discusses past history of structures on the site.
- Mr. Mabon states the shed should be moved.
- Mr. Manzi states the shed could possibly remain but not ever be replaced in the current location.
- The Administrator states the wetland line has changed over time and is now closer than it had been.
- Mr. Martin states the shed was there when he bought the house.
- Ms. Feltovic and Mr. Saal state to memorialize on the record drawings that shed should be moved if replaced.
- A motion to issue negative determination #2 & #5 with conditions for erosion controls and pre & post construction inspection with shed marked on plan to be relocated if replaced is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote 4 in favor 1 opposed (Mabon).

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Plot Plan of Land prepared by Sullivan Engineering Group, LLC dated February 12, 2015*
- *Photos dated May 12, 2015*

490 Dale Street (Crowley)

- Mr. Mabon read the legal notice.
- Administrator states the proposal is to demolish an existing barn on the property however the measurements from the wetland line to the work are incorrect. The plan has been revised with measurements made by the Field Inspector using the laser.
- Mr. Manzi states the plan should not be used for future filings.
- Mr. Saal asks if the driveway is to be removed. The answer is no.
- Mr. Manzi states haybales and silt fence should be used.
- A motion to issue a negative determination #3 with conditions for erosion controls consisting of silt fence with staked hay bales as well as removal of all trash in resource areas and the buffer zone is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Requirements*
- *Letter construction sequence prepared by David Swimm dated April 29, 2015*
- *Photos dated May 6, 2015*
- *Aerial Map prepared by David Swimm dated April 29, 2015*

Great Pond Road (MSR Utility Maintenance Corp) (Basbanes Wetland Consulting)

- Mr. Manzi read the legal notice.
- Leah Basbanes of Basbanes Wetland Consulting and Matthew Raymond of MSR Utility Maintenance Corp are present.
- Ms. Basbanes presents the utility project to protect the Columbia Gas Main by installing anodes drilled 25' deep into a 1' wide trench. The anodes will be connected by a cable to a utility and rectifier pole.
- Mr. Manzi asks if the utility pole is existing. It is. He also asks about voltage and the expected life of the system.
- Mr. Raymond states 25-30 years but average replacement is 15-20 years.
- Mr. Mabon asks how the area will be stabilized.
- Ms. Basbanes states existing edge of roadway will be seeded.
- Mr. Manzi asks if the line will need to be excavated.
- Mr. Raymond states it will be drilled. Project will take approximately two days and trench will be backfilled daily.
- Mr. Saal asks if any shrubs will need to be removed.
- Ms. Basbanes states no.
- Mr. Manzi asks if a monitor is needed.
- Administrator states one was not recommended.
- Mr. Manzi would like the determination to state that if any changes are proposed to the work that the work stop and the Conservation Department be notified and approval sought.
- A motion to grant the request for a waiver for work in the 25' No-Disturbance Zone is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.
- A motion to issue a negative determination #3 with conditions for erosion controls and pre & post construction inspections is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form 1-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Requirements*
- *North Andover Conservation Commission Waiver Request Form dated April 28, 2015*
- *North Andover Wetlands Regulations Riverfront Area Map dated June 2, 2003*
- *North Andover MIMAP dated April 9, 2015*
- *Proposed Anode Bed & Rectifier Post Sketch prepared by Basbanes Wetland Consulting dated April 28, 2015*
- *Sketch Plan of vertical installation preferred alternative horizontal installation prepared by National Grid dated April 15, 2015*
- *Sketch Plan notes: 1-3*
- *Locus Map NHESP dated April 28, 2015*
- *Delineation Field Data Form dated April 28, 2015*
- *North Andover MIMAP dated May 7, 2015*
- *Photos dated May 7, 2015*

Notice of Intent (NOI)

242-1651, Old Salem Village Condos (Key-Lime, Inc.) (Hayes Engineering, Inc.) (cont. from 4/22/15)

- The Applicants Benjamin C. Osgood, Sr. and Jay Burke of Key-Lime, Inc. and Peter Ogren of Hayes Engineering, Inc. are present.
- The Conservation Commission discusses how to address the now expired filing OOC# 242-1337 and how to permit the work remaining in the Buffer Zone.
- Mr. Saal states he believes the applicant should reapply for all work.
- The Commission discusses issuing a Partial Certificate of Compliance for work completed. An as-built plan would be needed.
- Mr. Ogren states not all as-built surveying is done.
- Mr. Manzi asks about the remaining bond.
- Mr. Ogren states he will compile all existing as-built information and see if it is sufficient to file.
- Mr. Saal states a new NOI for uncompleted work would not allow the owner to do work to address work that may not be in compliance.
- Mr. Manzi states there is no assurance the completed work is in compliance.
- A motion to grant the request for a continuance to June 10, 2015 meeting is made by Mr. Mabon, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *Request for a continuance to June 10, 2015 meeting presented by at the meeting prepared by Mr. Osgood, Sr. of Key Lime, Inc. dated May 13, 2015*

242-1650, 1653 Great Pond Road (North Andover Division of Public Works) (Woodard & Curran) (cont. from 4/22/15)

- Jack Troidl and Jason Grill of Woodard & Curran are present.
- Mr. Troidl presents the new planting plan.
- Administrator states that with the submission of the new planting plan this hearing is ready to close.
- A motion to close and issue a decision within 21 days is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter from Woodard & Curran dated March 2015*
- *Site Plan prepared by Woodard & Curran dated April 30, 2015*
- *Sewer System Improvements Plan prepared by Woodard & Curran dated April 27, 2015*

242-1634, 50 Royal Crest Drive (Pond Redesign) (AIMCO North Andover, LLC) (cont. from 4/22/15) (Request to cont. to 5/ 27/15)

- Administrator states the applicant is requesting a continuance to the May 27, 2015 meeting.
- A motion to grant the request for a continuance to the May 27, 2015 meeting is made by Mr. Mabon, seconded by Ms. Feltovic.

Documents:

- *E/Mail prepared by Cornerstone Land Consultants requesting a continuance to the May 27, 2015 meeting dated May 13, 2015*

242-1635, 50 Royal Crest Drive (off Site Inlet) (AIMCO North Andover, LLC) (cont. from 4/22/15) (Request to cont. to 5/27/15)

- Administrator states the applicant is requesting a continuance to the May 27, 2015 meeting.
- A motion to grant the request for a continuance to the May 27, 2015 meeting is made by Mr. Mabon, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *E/Mail prepared by Cornerstone Land Consultants requesting a continuance to the May 27, 2015 dated May 13, 2015*

242-1644, 287 Forest Street (Marnoto) (Williams & Sparages) (cont. from 4/22/15)

- Gregory Hochmuth of Williams & Sparages is present.
- The Administrator states she reviewed the delineation and made several changes. She reviews the history of the proposal from prior meetings.
- Mr. Hochmuth states there were 5 flag changes. The drywell was also added to the plan. The proposed propane tank was moved. Additional information on driveway pavement contaminants was submitted. It is from the National Paving Alliance. Mr. Hochmuth states the source of driveway base material can be specified. A trap rock shoulder has been added to the drive. The pavement width is proposed at 12'. He provides research owner did with the Conservation Department prior to purchasing the house.
- Mr. Manzi reads the letter submitted dated March 6.
- Mr. Saal asks if there will be a new driveway base.
- Mr. Hochmuth states some material may be added but none removed.
- Mr. Napoli states the as-built plan shows the driveway at 10'.
- Mr. Hochmuth states the special permit plan showed 12'.
- Mr. Napoli states he would like to see 10' wide with 1' shoulder on each side. Mr. Napoli would also like to see a stone base rather than rap. The Conservation Department should approve what is used.
- Ms. Feltovic asks about mitigation.
- Mr. Hochmuth requests post and markers be used to mark NDZ.
- The Administrator states a post a rail fence was approved on another pool project.
- Mr. Manzi states stone wall would be permanent. Granite posts and large boulders also possible.
- Mr. Napoli states there should be 6-12" between any ledge and the pavement.
- Ms. Feltovic states mitigation plan should be approved by the Conservation Department.
- Mr. Hochmuth states the area will be allowed to revert to natural with a few plantings.
- Mr. Mabon comments on the paving report.
- A motion to accept the waiver request for work in the No-Build and No-Disturb Zones is made by Mr. Manzi, seconded Ms. Feltovic.
- Vote unanimous.

- A motion to close and issue a decision within 21 days is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter prepared by Williams & Sparages dated April 22, 2015*
- *Plan Prepared by Williams & Sparages to Accompany Notice of Intent Showing proposed lot improvements revised dated May 18, 2015*

242-1643, 674 Turnpike Street (Yamin) (Sullivan Engineering Group, LLC) (cont. from 4/22/15)

- Mrs. Mohammad Yamin and John Sullivan of Sullivan Engineering Group, LLC are present.
- Administrator reviews the new delineation.
- Mr. Sullivan presents the waiver requests and alternatives analysis.
- Mr. Mabon asks questions about the setbacks.
- Mr. Sullivan states the system meets state setback requirements and the Microfast system will provide denitrification.
- A motion to accept the waiver request is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.
- A motion to close and issue a decision within 21 days is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter prepared by Sullivan Engineering Group, LLC dated May 13, 2015*
- *Septic Upgrade Plan prepared by Sullivan Engineering Group, LLC dated May 2, 2015*

242-1647, 172 Summer Street (D' Angelo) (Christiansen & Sergi, Inc.) (cont. from 4/22/15)

- Administrator states we are waiting for revised plan showing buffer zone some to Ephemeral Pool Habitat.
- A motion to grant the request for a continuance to the May 27, 2015 meeting is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *E/ Mail prepared by James D'Angelo of 172 Summer Street requesting a continuance to May 27, 2015 meeting dated May 13, 2015*

General Business: 8:45PM

242-1589, COC Request, 1077 Osgood Street (Angus Realty Corporation) (Lynnfield Engineering, Inc.) (cont. from 4/22/15)

- Administrator states Eggleston Environmental completed her review of the stormwater management system completed. The Erosion controls have been removed and wetland markers are up.
- A motion to issue the COC is made by Mr. Manzi, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Letter prepared by Lynnfield Engineering, Inc. dated December 9, 2014*
- *Letter prepared by Lynnfield Engineering, Inc. dated December 9, 2014*
- *WPA Form 8A-Request for Certificate of Compliance*
- *North Andover Conservation Commission Order of Conditions Compliance Certificate Form dated December 9, 2014*
- *Letter prepared by Angus Realty Corporation dated December 16, 2014*
- *Letter prepared by Lynnfield Engineering, Inc. dated December 16, 2014*
- *Letter prepared by Sterling Stormwater Maintenance Services dated January 1, 2015*
- *Record Conditions Plan prepared by Lynnfield Engineering, Inc. dated December 8, 2014*
- *Letter prepared by Lynnfield Engineering, Inc. dated April 21, 2015*

242-1593, Modification Request, 16 Berry Street (North Andover Holdings, LLC) (LEC Environmental Consultants, Inc.)

- The applicant Eric Loft of North Andover Holdings, LLC, Ann M. Marton of LEC Environmental Consultants, Inc. and Nicholas M. Pauling of Goldsmith, Prest, & Ringwall, Inc. are present.
- Mr. Loft states that he will be notifying the Zoning Board of Appeals next Tuesday night at their regular scheduled meeting.
- Ms. Marton reviews the requested modifications.
- The Administrator states that Lisa has reviewed the changes and has signed off.
- A motion to accept the modification request as drafted is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter prepared by LEC Environmental Consultants, Inc. dated May 5, 2015*
- *Working Plan prepared by Goldsmith, Prest & Ringwall, Inc. dated March 20, 2015*
- *Letter prepared by Goldsmith, Prest & Ringwall, Inc. dated April 23, 2015*
- *Stormwater Management Standard 2 prepared by Goldsmith, Prest & Ringwall, Inc. dated May 5, 2015*
- *Multi-Family Residential Development Plans prepared by Goldsmith, Prest & Ringwall, Inc. dated last revised November 27, 2013*
- *E/Mail Correspondence with Eggleston Environmental dated April 23, 2015-April 29, 2015 prepared by Goldsmith, Prest & Ringwall, Inc.*
- *MassDOT Permit 4-2014-447*
- *Proposed Berry Farms Residential Development*
- *Intersection Improvement; Salem/Turnpike (Route 114)*
- *Intersections Improvements Plan Sheets 1-9 Plan prepared by MDM Transportation Consultants, Inc. Plan last revised December 11, 2014*

242-1584, COC Request, 250 Clark Street (KEYW Corporation) (Williams & Sparages) (cont. from 4/22/15)

- Administrator reviews Field Inspector's site visit and as-built plan review findings.
- Administrator presents Field Inspector's photos of areas where revegetation is not complete but extra seed has been put down.

- A motion to issue the COC and bond release is made by Ms. Feltovic, seconded by Mr. Mabon.
- Vote unanimous.

Documents:

- *Letter prepared by Williams & Sparages dated April 6, 2015*
- *Proposed Concrete Pad relocation Administrator approval propane tank relocation dated August 28, 2013*
- *WPA Form 8A-Request for Certificate of Compliance*
- *North Andover Conservation Commission Order of Conditions Compliance Certificate Form dated April 6, 2015*
- *Letter prepared by Michael Florence of 466 Sutton Street dated January 26, 2015*
- *Photo dated April 21, 2015*

242-257, PCOC Request, 44 Laconia Circle (Lot 1A) (Otto) (Copani, Tarlow & Cranney Attorneys at Law) (cont. from 3/25/15)

- Administrator states the applicant requests a continuance to the May 27, 2015 meeting.
- A motion to grant the request for a continuance to the May 27, 2015 meeting is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *E/Mail prepared by Anthony A. Copani of Copani, Tarlow & Cranney requesting a continuance to the July 8, 2015 meeting dated May 13, 2015*

242-333, PCOC Request, 44 Laconia Circle (Lot 1A) (Otto) (Copani, Tarlow & Cranney Attorneys at Law) (cont. from 3/25/15)

- Administrator states the applicant requests a continuance to the July 8, 2015 meeting.
- A motion to grant the request for a continuance to the July 8, 2015 meeting is made by Ms. Feltovic, seconded by Mr. Manzi.
- Vote unanimous.

Document:

- *E/Mail from Anthony A. Copani of Copani, Tarlow & Cranney Attorneys at Law requesting a continuance to the May 27, 2015 meeting dated May 27, 2015.*

Ratify Enforcement Orders

1600 Osgood Street (Bus Company)

- The Administrator reviews the violation. Ozzy Properties reported that the bus company did damage to the bank of the brook that runs through the paved area at the rear of the building.
- The Conservation Commission discusses the need to have signage in the area and to have an O& M Plan submitted.
- A motion to ratify the Enforcement Order is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Letter Prepared by Conservation Department dated April 23, 2015*
- *Photos dated April 22, 2015*

- *Plan profile sedimentation control detail*
- *WPA Form 9-Enforceemnt Order*
- *North Andover MIMAP dated May 12, 2015*

80 Saile Way (Russell)

- Administrator states Mr. Russell failed to plant the restoration area last summer due to drought. She revised the Enforcement Order to require him to plant by June 30, 2015 and monitor for the following year with a report due June 30, 2016.
- A motion to ratify the Enforcement Order is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Documents:

- *Revised Conservation Department Letter dated April 28, 2015*
- *Revised WPA Form 9-Enforcement Order dated April 28, 2015*

Bylaw Regulation Revisions (cont. from 4/8/15)

- The Regulation update is still under review.
- A motion to grant the request for a continuance June 10, 2015 meeting is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

Decisions

242-1650, 1653 Great Pond Road

- Administrator reviews the drafted Order of Conditions.
- The Commission accepts Order of Conditions as drafted.
- A motion to accept the Order of Conditions as drafted is made by Mr. Mabon seconded by Ms. Feltovic.
- Vote unanimous.

Discussion

Riverview Street girdling

- Administrator states DCR has found Emerald Ash Borer on Commission property on Riverview Street. They are seeking permission to girdle trees to create a sink for the beetle. They will the fell trees killing the larvae inside. This is the best ways of containing the outbreak. They are also seeking permission to release a predatory wasp that eats the larvae.
- A motion to allow the work by DCR as presented on commission property is made by Mr. Manzi, seconded by Ms. Feltovic.
- Vote unanimous.

***A motion to adjourn the meeting at: 9:20 PM is made by Ms. Feltovic, seconded by Mr. Mabon
Vote unanimous.***